

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

JAN 16 2001

U. S. DISTRICT COURT  
CLERK'S OFFICE  
BY \_\_\_\_\_ DEPUTY

EQUAL EMPLOYMENT OPPORTUNITY §  
COMMISSION, §  
Plaintiff, §

VS. §

FREDERICKSBURG MEDICAL CLINIC, §  
Defendant. §

§ CIVIL ACTION NO. A00CA607SS

CONSENT DECREE

The parties to this Consent Decree are the Plaintiff, United States Equal Employment Opportunity Commission (“EEOC”), and Defendant, Fredericksburg Clinic (“the Clinic”). This Consent Decree resolves the allegations raised by the EEOC in the above-referenced Civil Action No. A00CA607SS. The EEOC initiated this lawsuit under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991, to correct alleged unlawful employment practices on the basis of retaliation and to provide appropriate relief to Mary S. Sueltenfuss, who the EEOC maintains was adversely affected by these alleged practices. Specifically, EEOC alleges that the Clinic unlawfully failed to hire and/or discharged Mary Sueltenfuss because she opposed what she believed were unlawful employment practices by a former employer. The Clinic denies this allegation.

EEOC and the Clinic wish to settle this disputed action, without the risks, uncertainties and expenses of continued litigation, and without any admission or finding of liability against the Clinic, under the terms in the Decree.

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IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction of the subject matter of this action and the parties, venue is proper, and all administrative prerequisites to the EEOC's filing of this action have been met. The parties stipulate to the Court's jurisdiction.

2. This Decree is entered in full and complete settlement of all claims contained in this lawsuit. The EEOC expressly reserves its right to process and litigate any other charges (other than EEOC Charge No. 360-98-0284 filed by Mary S. Sueltenfuss against the Clinic) which may now be pending or may in the future be filed against the Clinic.

3. The duration of this Decree shall be one year from the date of its filing with the Court. This Court shall retain jurisdiction of this action during the period of this Decree and may enter further orders or modifications as may be appropriate.

4. During the duration of this decree, the Clinic is enjoined from engaging in any type of discrimination against individuals who oppose and/or engage in protected Title VII activities.

5. The Clinic will provide the following Equal Employment Opportunity (EEO) training:

a. Within 180 days of the date of entry of this Decree, the Clinic shall provide EEO training of not less than 2 hours to its principals and any employee with hiring authority. The training shall include (a) an explanation that retaliation for opposing employment practices made unlawful by Title VII is unlawful; (b) instruction as to what conduct may constitute retaliation; (c) an explanation of the damaging effects of retaliation on its victims, their co-workers, and the workplace environment; and (d) directions to ensure that the participants know how to enforce the Clinic's anti-discrimination policies.

b. Within 20 days prior to the date scheduled for this training, the Clinic shall furnish to the EEOC a written report describing the EEO training, as well as copies of the training materials. The training will be conducted by Robert Kilgore of the law firm of Cox & Smith Incorporated. Within 20 days after the EEO training has been completed, the Clinic shall provide to the EEOC a written report identifying each individual who attended this training and the date(s) and time of attendance.

6. The Clinic will not be deemed to have violated paragraphs 4 and 5 of this Consent Decree unless the Court enters a judgment finding a violation.

7. The Clinic agrees to post a notice, for at least the duration of this Decree, of its intent to comply with Title VII. This notice is set forth in Exhibit "A," which is attached to this Decree. Defendant agrees to post a copy of Exhibit "A" in a conspicuous place at its facilities in Fredericksburg, Texas, within ten days after this Decree is filed.

8. The Clinic, in settlement of this dispute, shall pay to Mary S. Sueltenfuss and her attorney, Jeffrey A. Goldberg, the sum total of \$30,000.00 (Thirty Thousand Dollars and No Cents). Payment(s) shall be mailed directly to Jeffrey A. Goldberg, The Law Office of Jeffrey A. Goldberg, Colonnade I Bank of America Bldg., 9901 IH10 West, Suite 690, San Antonio, Texas 78230, on or before December 31, 2000. A copy of the settlement checks, and any accompanying transmittal documents, shall be forwarded to Robert Harwin, Regional Attorney, San Antonio District Office, United States Equal Employment Opportunity Commission, 5410 Fredericksburg Road, Suite 200, San Antonio, Texas 78229.

9. The terms of this Decree shall be binding upon the EEOC and the Clinic, its agents, officers, employees, servants, successors, and assigns, as to the issues resolved therein.

10. EEOC and the Clinic agree to sign and execute this Decree contemporaneously with a Release of Claims executed by Mary S. Sueltenfuss.

11. The parties to this Decree shall bear their own costs and attorney's fees incurred in this action. The parties agree that pursuant to Section 706(k) of Title VII, 42 U.S.C. § 2000e-5(k), there is no "prevailing party" in this action or proceeding.

SO ORDERED AND ENTERED 16<sup>th</sup> day of January, 2001.

Sam Sparks  
JUDGE SAM SPARKS  
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT  
FREDERICKSBURG MEDICAL CLINIC

**NOTICE TO ALL EMPLOYEES**

THE FREDERICKSBURG MEDICAL CLINIC IS FIRMLY COMMITTED TO TREATING EMPLOYEES AND APPLICANTS FOR EMPLOYMENT ACCORDING TO MERIT WITHOUT REGARD TO THEIR HAVING ENGAGED IN ACTIVITY PROTECTED BY TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED, 42 U.S.C. § 2000e, ET SEQ. THIS POLICY APPLIES TO ALL EMPLOYMENT DECISIONS, INCLUDING RECRUITMENT, HIRING, REHIRING, RETENTION, PROMOTION, TRANSFER, LAYOFF AND/OR TERMINATION, AND ALL OTHER TERMS AND CONDITIONS OF EMPLOYMENT. THE FREDERICKSBURG MEDICAL CLINIC SPECIFICALLY PROHIBITS RETALIATION FOR COMPLAINING ABOUT UNLAWFUL DISCRIMINATION AND FILING A CHARGE OF DISCRIMINATION.

IF YOU BELIEVE YOU ARE BEING RETALIATED AGAINST IN ANY TERM OR CONDITION OF YOUR EMPLOYMENT BECAUSE YOU MADE A COMPLAINT OF UNLAWFUL DISCRIMINATION OR OTHERWISE ENGAGED IN ACTIVITY PROTECTED BY TITLE VII, YOU ARE ENCOURAGED TO SEEK ASSISTANCE FROM SUPERVISORY PERSONNEL, OR FROM THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, 5410 FREDERICKSBURG ROAD, SUITE 200, SAN ANTONIO, TEXAS 78229-3550, (210) 281-7600 OR 1-800-669-4000.

NO RETALIATORY ACTION MAY BE TAKEN AGAINST YOU FOR SEEKING ASSISTANCE, FILING A CHARGE, OR COMMUNICATING WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

EOC ENFORCES TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, WHICH PROHIBITS EMPLOYMENT DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX OR NATIONAL ORIGIN; THE EQUAL PAY ACT; SECTIONS OF THE CIVIL RIGHTS ACT OF 1991 AND TITLE I OF THE AMERICANS WITH DISABILITIES ACT, WHICH PROHIBITS DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES IN THE PRIVATE SECTOR AND STATE AND LOCAL GOVERNMENTS; AND, THE AGE DISCRIMINATION IN EMPLOYMENT ACT.

**EXHIBIT "A"**